

Paul B. Heatherman - OSB #933000
LAW OFFICE OF PAUL HEATHERMAN PC
PO Box 8
Bend, OR 97709
Phone: 541-389-1010
Fax: 541-382-6875
Email: paul@bendattorneys.com

IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re:

JAMES JOEL HOLMAN and
CANDICE EVANGELINE HOLMAN,
Debtors.

Case No. 14-35381-rld7

DWIGHT and LAURA DANIELS,
husband and wife

Plaintiffs,

vs.

JAMES JOEL HOLMAN and
CANDICE EVANGELINE HOLMAN,
Defendants.

Adv. Proc. No. 14-03285-rld

**CONCISE STATEMENT OF FACTS
RE: DEFENDANTS' MOTION FOR
PARTIAL SUMMARY JUDGMENT**

COME NOW, defendants James Joel Holman and Candice Evangeline Holman (collectively, "defendants"), and provide this Concise Statement of Facts in support of Defendants' Motion for Partial Summary Judgment.

STATEMENT OF FACTS

1. Candice never met plaintiff's prior to the issuance of the loan. (Decl. Candice Holman, P.1. 1.23)

1 - Concise Statement of Facts RE: Defendants' Motion for Partial Summary Judgment

**Law Office of
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250 NW Franklin Ave. #402
Bend, OR 97701
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Email: paul@bendattorneys.com

- 1 2. Candice was never involved in any discussions with plaintiffs about a loan. (Decl. Candice
2 Holman, P.1., 1.24)
- 3 3. Plaintiffs have admitted in their response to defendants' request for admissions, that prior
4 to the date the loan was transacted, plaintiffs and Candice had never met in person or by
5 phone. (Response to Request for Admission, P.2 1.23-25)
- 6 4. Candice did not assign any interest in life insurance policies to plaintiffs. (Decl. Candice
7 Holman, P.1, 1.25)
- 8 5. Candice did not prepare, compile, review or execute any financial statements or information
9 for presentation to plaintiffs. (Decl. Candice Holman, P.1, 1.26)
- 10 6. Candice, at the request of her husband, did sign the note and trust deed referenced in
11 plaintiffs' complaint. (Decl. Candice Holman, P.2, 1.3)

12 DATED this 4 day of June, 2015.

13 LAW OFFICE OF PAUL HEATHERMAN PC
14

15 /s/ Paul B. Heatherman
16 Paul B. Heatherman - OSB #933000
17 Attorney for Debtors/Defendants
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CERTIFICATE OF SERVICE
Adversary Proceeding No. 14-03285-rld

I hereby certify that on June 4, 2015, I serve a true copy of the foregoing *Concise Statement of Facts RE: Defendants Motion for Partial Summary Judgment*, via first class mail, on the following:

Darian A. Stanford
Slinde Nelson Stanford
111 SW 5th Ave., Ste 1940
Portland, OR 97204
Attorney for Plaintiffs

Dated: June 4, 2015.

/s/ Paul B. Heatherman
Paul B. Heatherman - OSB #933000
Attorney for Defendants/Debtors

3 - Concise Statement of Facts RE: Defendants' Motion for Partial Summary Judgment

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1 1. Plaintiffs object to the Requests for Admissions to the extent that they seek to
2 impose requirements and procedures beyond those set forth in the Federal Rules of Civil
3 Procedure and the Local Rules of the United States Bankruptcy Court for the District of Oregon.

4 2. Plaintiffs object to the Requests for Admissions to the extent that they call for the
5 disclosure of the mental impressions of Plaintiff's legal counsel or of information protected by
6 the attorney-client privilege, the work-product doctrine, or other applicable privileges and
7 immunities.

8 3. Plaintiffs object to the Requests for Admissions to the extent they are overly
9 broad, unduly burdensome; request information already known to defendant or that is obtainable
10 from another source that is more convenience, less burdensome or less expensive; are vague or
11 ambiguous; or seek information not reasonably calculated to lead to the discovery of admissible
12 evidence.

13 4. Plaintiffs object to the Requests for Admissions to the extent they seek
14 information not within its possession, custody or control, or to the extent that they seek
15 information in the possession or control of any entity other than Plaintiffs.

16 5. Plaintiffs do not waive any of its general or particular objections in the event they
17 furnish information or documents coming within the scope of any such objections.

18 6. Plaintiffs' responses to the Requests for Admissions reflect only the present state
19 of Plaintiffs' knowledge. Plaintiffs reserve the right to submit additional, supplemental
20 information responsive to the Requests for Admissions.

21 **SPECIFIC OBJECTIONS AND RESPONSES**

22 **TO REQUESTS FOR ADMISSIONS**

23 **REQUEST NO. 1:** That prior to the date the loan was transacted, plaintiffs and
24 defendant Candice Holman had never met in person or by phone.

25 **RESPONSE:** Admit. Object to as "the date the loan was transacted" is vague

26 Page 2 – PLAINTIFFS' RESPONSE TO DEFENDANTS' FIRST
REQUEST FOR ADMISSIONS

SLINDE NELSON STANFORD
111 SW 5th Avenue, Suite 1940
Portland, Oregon 97204
p. 503.417.7777; f. 503.417.4250